

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

HELENA URÁN BIDEGAIN in her individual
capacity and in her capacity as the legal
representative of the ESTATE OF CARLOS
HORACIO URÁN ROJAS,

XIOMARA URÁN, in her individual capacity,
and MAIRÉE URÁN BIDEGAIN, in her
individual capacity,

Plaintiffs,

v.

LUIS ALFONSO PLAZAS VEGA,
Defendant.

Civil Action No. 0:22-cv-60338-RAR

PLAINTIFFS' RESPONSE TO DEFENDANT'S STATUS REPORT

Plaintiff Helena Urán Bidegain, in her individual capacity and in her capacity as the legal representative of the estate of her deceased father, Carlos Horacio Urán Rojas, Plaintiff Xiomara Urán, and Plaintiff Mairée Urán Bidegain (collectively, "Plaintiffs"), respectfully submit this response to Defendant's Status Report ("Status Report"), filed on May 23, 2023 (ECF No. 70), and state as follows:

Following a hearing on May 17, 2023, the Court entered an order that day, directing Defendant to file on May 23, 2023 a Status Report limited to advising the Court on whether "(1) the Defendant intends to proceed *pro se*; (2) substitute counsel has been identified; or (3) counsel intends to remain in the case." ECF No. 69. The Court indicated during the May 17 hearing that following that filing, the parties would each have the opportunity to submit scheduling and scope of discovery proposals.

On May 23, 2023, Defendant filed a Status Report, purportedly seeking "clarification" on

the scope of discovery while providing no definitive answer on whether his current counsel intends to remain in the case.¹ In his submission, Defendant's counsel attempts to couple legal representation with the scope of discovery, which are distinct and separate issues. Having survived a motion to dismiss, Plaintiffs are entitled to full discovery under the Federal Rules of Civil Procedure and strongly disagree with the discovery limitations suggested in Defendant's Status Report.

For the following reasons, among others, on which Plaintiffs would like to elaborate in briefing on the scope of discovery, Plaintiffs vigorously oppose bifurcating discovery in the manner suggested and believe it would, among other things, (i) be unlikely to result in judicial economy; (ii) be likely to substantially prejudice Plaintiffs including by delaying aspects of discovery and extending the time for the ultimate resolution of this matter and affecting the availability of witnesses; (iii) impose significant and unnecessary burden and expense to both parties; and (iv) not be in the interests of justice. For example, a bifurcated discovery schedule would result in the same witnesses being deposed twice (including Defendant), as witnesses relevant to Defendant's affirmative defenses are also relevant to the merits of Plaintiffs' case.

Plaintiffs plan on briefing these matters, including the appropriate scope of discovery and proposed case schedule, as originally discussed at the May 17 hearing, and to that end, respectfully request the Court to enter a briefing schedule in advance of a status conference where the parties may properly present their positions on these specific matters.

¹ Despite the Court's instruction to the parties at the May 17 hearing, Defendant continues to politicize this case by claiming that Plaintiffs "are connected to the ruling party in Colombia." Defendant Status Report at 2 n.1. As before, Plaintiffs and their counsel will not engage in similar disparagement but note for the record their disagreement with all of Defendant's characterizations of Plaintiffs and this case.

Dated: May 24, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on May 24, 2023, a true and correct copy of the foregoing was served by the Court's CM/ECF System on all counsel or parties of record on the Service List below.

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